

DETAILED ACTION

1. This office action is responsive to communication filed on 11/17/2009.

Claims 4-15, 29, 32-44, 58, and 60 have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/28/2009 has been entered.

Response to Amendment

3. The examiner has acknowledged the amended claims 4, 6, 10-13, 29, 32-35, 38, 44, and 60. The objections to claims 29 and 60 have been corrected and withdrawn accordingly. The 112 second paragraph rejections to claims 60, 4, and 29 have been corrected and withdrawn accordingly. Claims 4-15, 29, 32-44, 58, and 60 are pending.

Response to Arguments

4. Applicant's arguments, see pages 13-14, filed 9/28/2009, with respect to the rejection(s) of claim(s) under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the 112 second paragraph.

Claim Objections

5. Claim 60 is objected to because of the following informalities: In line 6, the term “a method” should be “the method”. Claims 4-15 are objected to as having the same deficiencies as the claims they depend upon.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9, 13, 14, 29, 32-44, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

No Disclosure or Insufficient Disclosure of the Structure, Material, or Acts for Performing the Function Recited in a Claim Limitation Invoking 35 U.S.C. 112, Sixth Paragraph. For claims 29, and 32-44, claim elements "successively receiving first packets from the entry sub-network", "associating an access level with each first packet from among a plurality of access levels according to a predetermined policy", "forming each second packet by including in each second packet one or more first packet or parts of a first packet associated with a given first access level", "inserting, into each second packet, of broadcast control information corresponding to the same first access level", "detecting of a change in access level between a the first access level and a second access level between successive first packets of the data stream", "forming a synchronization second packet by inserting a synchronization marker in a second packet",

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“reducing the size of the second packet preceding the synchronization second packet such that the start of the payload information of the synchronization second packet corresponds to the start of a first packet associated with the new second access level”, “transmitting second packets into the basic network”, “modifying the size of the synchronization second packet, so that the sum of the reduced size of the preceding second packet and the modified size of the synchronization second packet is equal to the normal size of a second packet”, “inserting, at each change in access level, of an access level change marker into the synchronization second packet”, “obtaining the time slot, among the plurality of time slots, that includes the instant of processing, by the entry node, of the given first packet”, “associating one of the access levels with the first packet as a function of the time slot obtained”, “obtaining at least one piece of control information, from among the plurality of pieces of control information, contained in a particular first packet”, “associating one of the access levels with the particular first packet as a function of said at least one piece of control information obtained”, “obtaining the time slot, among the plurality of time slots, that includes the instant of processing, by the entry node, of a particular first packet”, “obtaining at least one piece of control information, from among the plurality of pieces of control information, contained in a particular first packet”, and “associating one of the access levels with the particular first packet as a function of the time slot obtained and the at least one piece of control information obtained” are means (or step) plus function limitation that invokes 35 U.S.C. 112,

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sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed functions. Note that there are only four modules (control, bridge, analysis, and SAR) described in the specification. There is clearly insufficient disclosure of the Structure, Material, or Acts for Performing the Functions Recited in these Claims. Claim 58 is necessarily rejected as being dependent upon the rejected claim 29.

Applicant is required to:

- (a) Amend the claims so that the claim limitations will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or
- (b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

- (a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim 9 recites the limitation "the time slot" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the given first packet" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the conversion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the conversion" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "the management" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the activation means" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the generation and sending" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "this" in lines 7 and 14. It is unclear what exactly they are referring to.

Claim 34 recites the limitation "the sending of a normal-sized second packet" in lines 17-18. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the time slot" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the given first packet" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "the particular first packet" in lines 9-10. It is unclear whether it is referring to the particular first packet in item (a) or (b).

Claim 41 recites the limitation "the direct generation" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

8. Claims 60, 4-8, 10-12, and 15 are allowed.
9. Claims 9, 13, and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. Claims 29, 32-44, and 58 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is

(571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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